APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/643,422	08/19/2003	Katsuaki Tanaka	P 0305422 H7959US	4553

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Pillsbury Winthrop LLP
Intellectual Property Group
Suite 2800
725 South Figueroa Street
Los Angeles, CA 90017-5406

EXAMINER
CHU, KIM KWOK

ART UNIT	PAPER NUMBER
2627	

DATE MAILED: 08/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-42* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-42* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>8/19/2003</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All b)☐ Some * c)☐ None of:

        1.☒ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

Claim Objections

1.   Claims 1, 5, 9, 13, 19, 23, 26, 29, 33, 37 and 40 are objected to because of the following informalities:

(a)   in Claim 1, line 6, the term "DSP" should be changed to --digital signal processor (DSP)--;

(b)   similarly, in Claim 5, 9, 13, 29 and 33, the terms "DSP" should be changed to --digital signal processor (DSP)--;

(c)   in the amended Claim 19, lines 1 and 2, the term "claim [17 or] 12" should be changed to --claim 17 [or 12]-- because Claim 19 cannot depends on Claim 12;

(d)   in Claim 23, line 11, the term "a recorded level section" should be changed to --the recorded level section--;

(e)   similarly, in Claim 26, line 7, the term "a recorded level section" should be changed to --the recorded level section--;

(f)   in addition, in Claim 37, line 7, the term "recorded level detection means" should be changed to --the recorded level detection means--; and

(g)   furthermore, in Claim 40, line 7, the term "recorded level detection means" should be changed to --the recorded level detection means--.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs

of 35 U.S.C. § 102 that form the basis for the rejections under

this section made in this Office action:

> *A person shall be entitled to a patent unless –*
> *(e) the invention was described in a patent granted*
> *on an application for patent by another filed in the*
> *United States before the invention thereof by the*
> *applicant for patent, or on an international*
> *application by another who has fulfilled the*
> *requirements of paragraphs (1), (2), and (4) of*
> *section 371(c) of this title before the invention*
> *thereof by the applicant for patent.*

3.   Claims 1-42 are rejected under 35 U.S.C. § 102(e) as being

anticipated by Heredia et al. (U.S. Patent 7,065,287).

4.   Heredia teaches a sound recording/reproducing method

having all the steps as recited in claims 1-16 and 29-36.   For

example, Heredia teaches the following:

        (a)   With respect to Claim 1, an attribute information

(database) recording step of recording, onto a recording medium

30, attribute information (database) on sound data of a music

piece that are to be recorded onto the recording medium 30

(Figs. 1, 3A and 4; column 6, lines 17-20); a rule table

creation step of creating a rule table (audio formats) that

associates the attribute information (database) and digital

signal processor/DSP program parameters (audio controls such as

coding and decoding process) each designating, to a digital

signal processor 58 of an amplifier apparatus, a sound field

process or frequency characteristic process to be performed

(Figs. 1 and 3A; column 6, lines 35-48; various audio formats

such as MP3, MPEG-2 respective to each audio file is a rule

table which controls the DSP parameters); a DSP program

parameter (decoding) acquisition step of, at a time of

reproduction when sound data of a music piece to be reproduced,

read out from the recording medium 30, are to be outputted to

the amplifier apparatus 54, 52, 56, acquiring, from the

recording medium 30, the attribute information on the sound

data of the music piece to be reproduced and acquiring, from

the rule table, any of the DSP program parameters that

corresponds to the attribute information (Figs. 1 and 3A; audio

is reproduced based on its title and format from the database);

and a DSP program parameter setting step of setting the DSP

program parameter (decoding the audio formats such as MP3, AM,

FM, SPDIF and MPEG-2 etc.), acquired from the rule table, in

the digital signal processor of said amplifier apparatus (Fig.

1).

(b) With respect to Claim 2, when a change (different

audio formats) has been made to the sound field process or

frequency characteristic process of the amplifier apparatus 54,

52, 58 during reproduction of the sound data of the music

piece, there is performed a learning (reconfiguring) of

registering (updating database) in the rule table, a DSP

program parameter (audio format) indicative of the changed

sound field process or frequency characteristic process in

association with the attribute information of the sound data

being currently reproduced (Figs. 1, 3A and 6H; audio file

format can be displayed in the CD Guide as illustrated in Fig.

6H).

(c)   With respect to Claim 3, the attribute information

(database) on the sound data of the music piece includes music

piece information identifying the music piece, album

information identifying an album to which the music piece

belongs, artist information identifying an artist of the music

piece, and genre information identifying a musical genre of the

music piece (Figs. 3A and 3B).

(d)   With respect to Claim 4, the attribute information

(database) on the sound data of the music piece includes

compression scheme (MP3, MPEG-2) information indicative of a

compression scheme with which the sound data are recorded on

said recording medium (Figs. 3A and 3B).

5.   Claims 5-8 have limitations similar to those treated in
the above rejection, and are met by the references as discussed
above as cited in Claims 1-4.   Claim 5 however also recites the
following limitations which are taught by the prior art of
Heredia:

(a) With respect to Claim 5, processing start times
(audio file sequence) each designating a time (playback order)
when the process is to be started; any of the DSP program
parameters that corresponds to the attribute information on the
sound data and corresponds to any one of the processing start
times that has coincided with an elapsed (file length)
reproducing time of the sound data (Figs. 3A and 3B; playlist
and file length are associated to each audio format stored in
the database).

6.   Apparatus claims 9-12 are drawn to the apparatus
corresponding to the method of using same as claimed in claims
1-4.   Therefore apparatus claims 9-12 correspond to method
claims 1-4, and are rejected for the same reasons of
anticipation as used above.

7.   Apparatus claims 13-16 are drawn to the apparatus corresponding to the method of using same as claimed in claims 1-4.   Therefore apparatus claims 13-16 correspond to method claims 1-4, and are rejected for the same reasons of anticipation as used above.   Claim 13 however also recites the following limitations which are taught by the prior art of Heredia:

(a) With respect to Claim 13, processing start times (audio file sequence) each designating a time (playback order) when the process is to be started; any of the DSP program parameters that corresponds to the attribute information on the sound data and corresponds to any one of the processing start times that has coincided with an elapsed (file length) reproducing time of the sound data (Figs. 3A and 3B; playlist and file length are associated to each audio format stored in the database).

8.   Apparatus claims 29-32 are drawn to the apparatus
corresponding to the method of using same as claimed in claims
1-4.   Therefore apparatus claims 29-32 correspond to method
claims 1-4, and are rejected for the same reasons of
anticipation as used above.   Claim 29 however also recites the
following limitations which are taught by the prior art of
Heredia:

    (a) With respect to Claim 29, a recording medium 30 on
which sound data can be recorded and reproduced (Fig. 1).

9.   Apparatus claims 33-36 are drawn to the apparatus
corresponding to the method of using same as claimed in claims
1-4.   Therefore apparatus claims 29-32 correspond to method
claims 1-4, and are rejected for the same reasons of
anticipation as used above.   Claim 33 however also recites the
following limitations which are taught by the prior art of
Heredia:

    (a) With respect to Claim 33, a recording medium 30 on
which sound data can be recorded and reproduced (Fig. 1); and
the DSP parameters correspond to any one of the processing
start times that has coincided with an elapsed (file length)
reproducing time of the sound data (Figs. 3A and 3B; playlist
and file length are associated to each audio format stored in
the database).

10. Heredia teaches a sound recording/reproducing method

having all the steps as recited in claims 17-22. For example,

Heredia teaches the following:

(a) With respect to Claim 17, a recorded level (audio

parameters) recording step of, when a succession (playlist) of

sound data (audio files) are to be recorded onto a recording

medium 30, detecting a recorded level (audio parameters) of the

succession of the sound data and recording, onto said recording

medium 30, the detected recorded level in association with the

succession of the sound data (Figs. 3A and 3B); and an output

level control step of, when sound data read out from the

recording medium 30 are to be output for reproduction,

acquiring a recorded level (audio parameters) corresponding to

a succession of the sound data to be reproduced and adjusting,

on the basis of the acquired recorded level and a reference

recorded level, an output level of the succession of the sound

data to be reproduced (Fig. 1; audio is processed based on its

audio parameters).

(b) With respect to Claim 18, a predetermined value

(audio parameters such as amplification gain) is set as the

reference recorded level.

(c) With respect to Claim 19, the reference recorded

level (gain) is determined on the basis of a plurality of

recorded levels corresponding to a plurality of successions of

sound data to be reproduced (Fig. 1; reference gain is the predetermined gain used in the audio subsystem 22).

11. Claims 20-22 have limitations similar to those treated in the above rejection, and are met by the references as discussed above as cited in Claim 17-19. Claim 20 however also recites the following limitations which are taught by the prior art of Heredia:

(a) With respect to Claim 20, a volume control step of, when sound data read out from the recording medium 30 are to be output to an amplifier apparatus 22 having a volume control 150, 152, 164 capable of being controlled from outside (Fig. 2B).

12. Heredia teaches a sound recording/reproducing method having all the steps as recited in claims 23-28 and 37-42. For example, Heredia teaches the following:

(a) With respect to Claim 23, a recording medium 30 on which sound data can be recorded and reproduced (Fig. 1; column 5, lines 65-67); a recorded level (format) detection section that, when a succession (selected files) of sound data are to be recorded onto the recording medium 30, detects a recorded level of the succession of the sound data (Fig. 1; multimedia files in form of a database are stored in the medium 30); the recorded level detection section that records the recorded level, detected by the recorded level detection section, onto the recording medium 30 in association with the succession of the sound data (Fig. 1; selected audio files and its format are stored); and a recorded level acquisition section (audio processing) that, at a time of reproduction when sound data read out from the recording medium 30 are to be outputted, acquires a recorded level (format) corresponding to a succession of the sound data to be reproduced (Fig. 1; audio files with various formats are being processing/decoding); and an output level control section 150, 152, 164 that adjusts, on the basis of the acquired recorded level and a reference recorded level, an output level of the succession of the sound data to be reproduced (Figs. 1 and 2b)

(b)   With respect to Claim 24, a predetermined value
(audio parameters such as amplification gain) is set as the
reference recorded level.

(c)   With respect to Claim 25, the reference recorded
level (gain) is determined on the basis of a plurality of
recorded levels corresponding to a plurality of successions of
sound data to be reproduced (Fig. 1; reference gain is the
predetermined gain used in the audio subsystem 22).

13.   Claims 26-28 have limitations similar to those treated in
the above rejection, and are met by the reference as discussed
above as in Claims 23-25.   Claim 26 however also recites the
following limitations which are taught by the prior art of
Heredia:

(a)   With respect to Claim 26, a volume control section
150, 152, 164 that controls the volume control of the amplifier
apparatus on the basis of acquired recorded level and a
reference recorded level (Fig. 2B).

14. Claims 37-39 have limitations similar to those treated in
the above rejection, and are met by the reference as discussed
above as cited in Claims 23-25.

15. Claims 40-42 have limitations similar to those treated in the above rejection, and are met by the reference as discussed above as cited in Claims 23-25. Claim 40 however also recites the following limitations which are taught by the prior art of Heredia:

(a) With respect to Claim 40, a volume control section 150, 152, 164 that controls the volume control of the amplifier apparatus on the basis of acquired recorded level and a reference recorded level (Fig. 2B).

Conclusion

16.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hamada et al. (6,792,007) is pertinent because Hamada teaches a multimedia storing apparatus having a list of the stored files.

Kim (6,879,843) is pertinent because Kim teaches a multimedia storing apparatus having a list of the stored files.

Wachi (5,880,386) is pertinent because Wachi teaches a multimedia storing apparatus having a list of the stored files.

Kramer (4,868,869) is pertinent because Kramer teaches a digital signal processor having a look up table.

17. Any inquiry concerning this communication or earlier
communication from the examiner should be directed to Kim CHU
whose telephone number is (571) 272-7585 between 9:30 am to
6:00 pm, Monday to Friday.

       If attempts to reach the examiner by telephone are
unsuccessful, the examiner's supervisor, William Korzuch, can
be reached on (57) 272-7589.

       The fax number for the organization where this application
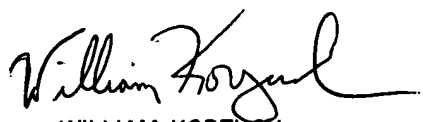or proceeding is assigned is (571) 273-8300

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questions on access to the Private PAIR system, contact the
Electronic Business Center (EBC) at 866-217-9191 (toll free).

Kim-Kwok CHU

Examiner AU2627
August 9, 2006

(571) 272-7585

WILLIAM KORZUCH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600